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Paper prepared by the Delegation of the United States

**Organization of the WTO Work Program
on the Trade Related Aspects of Electronic Commerce**

The second session of the Ministerial Conference adopted a Declaration on electronic commerce that directs the General Council, by its meeting in special session on September 23, 1998, to establish a comprehensive work program to examine all trade-related issues relating to global electronic commerce and, by the third session of the Ministerial Conference in 1999, to produce a report on the progress of the work program and any recommendations for action.

The following outline is suggested as guidance on the establishment of the work program.

I. To establish the comprehensive work program, the General Council would:

- 1) Direct the following WTO bodies to undertake work on electronic commerce: the Council on Trade in Goods, the Council on Trade in Services, Council on Trade in Services, Council on Trade-Related Intellectual Property, and Committee on Trade and Development (including all their subsidiary committees or bodies).
- 2) In accordance with Article IV.8 of the Agreement Establishing the WTO and the Declaration on electronic commerce, request to be kept informed by the Committee on Government Procurement of any review it undertakes on electronic commerce.

II. To conduct its examination of all trade-related issues relating to global electronic commerce, the General Council would:

- 1) Take into account the economic, financial, and development needs of developing countries, in particular regarding the benefits that electronic commerce can bring to developing countries to enhance their trade, including by their small and medium sized companies

(SMEs).

- 2) Provide for periodic exchange of views on activities in other fora, such as the UNCTAD, the OECD, WIPO and UNCITRAL, in order to increase its understanding of the ongoing work on electronic commerce.
- 3) Encourage WTO Members to invite private sector companies and organizations to contribute informally to the work program on global electronic commerce, for example, by developing and organizing projects and seminars that will provide information to Members.
- 4) Examine ways in which WTO Members can use electronic commerce to facilitate compliance with their obligations in WTO agreements.
- 5) Examine the issues raised by the Secretariat's Special Study 2 entitled, "Electronic Commerce and the Role of the WTO" that affect the work of more than one WTO body.

III. In preparing its report, including any recommendations, to the third session of the Ministerial Conference in 1999, the General Council would:

- A) Coordinate reviews by the WTO bodies identified in I(1) above.
- B) Include information on the activities of the Committee on Government Procurement on electronic commerce.
- C) Review making permanent the commitment of Members to not impose customs duties on electronic transmissions.

IV. To facilitate its work, the General Council may seek input from the Secretariat for assistance, which would rely on the Research and Economic Analysis Division to coordinate its work.

V. To conduct their work, each of the WTO bodies listed in section I(1) should:

- 1) Review the application to electronic commerce of the provisions of the agreement it administers, including identifying trade-related issues relating to electronic commerce.
- 2) Encourage WTO Members to invite private sector companies and organizations to contribute to the work program on global electronic commerce, for example, by developing and organizing projects and seminars that will provide information to Members.
- 3) Report to the General Council the results of its work, including any recommendations.